

UNITED STATES BANKRUPTCY COURT

District of Minnesota

MODIFIED

CHAPTER 13 PLAN

In Re:

David Joseph Scott

XXX-XX-7816

Karen Jean Scott

XXX-XX-7852

Dated:

Case No. 04-60910

DEBTOR

In a joint case,
debtor means debtors in this plan.

1. PAYMENTS BY DEBTOR -

- a. As of the date of this plan, the debtor has paid the trustee \$0.00.
- b. After the date of this plan, the debtor will pay the trustee \$714.00 per Month for 36 months, beginning within 30 days after the filing of this plan for a total of \$25,704.00.
- c. The debtor will also pay the trustee: \$0.00

- d. The debtor will pay the trustee a total of \$25,704.00 [line 1(a) + line 1(b) + line 1(c)].

2. **PAYMENTS BY TRUSTEE** - The trustee will make payments only to creditors for which proofs of claim have been filed, make payments monthly as available, and collect the trustee's percentage fee of 10.00% for a total of 2,570.40 [line 1(d) x .10] or such lesser percentage as may be fixed by the Attorney General. For purposes of this plan, month one (1) is the month following the month in which the debtor makes the debtor's first payment. Unless ordered otherwise, the trustee will not make any payments until the plan is confirmed. Payments will accumulate and be paid following confirmation.

3. **PRIORITY CLAIMS** - The trustee shall pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates only. The trustee will pay the amounts actually allowed.

Creditor	Estimated Claim	Monthly Payment	Beg. in Month #	No. of Payments	TOTAL PAYMENTS
Attorney Fees	\$ 1,250.00	\$ 625.00	1	2	\$ 1,250.00
TOTAL					\$ 1,250.00

4. **LONG-TERM SECURED CLAIMS NOT IN DEFAULT** - The following creditors have secured claims. Payments are current and the debtor will continue to make all payments which come due after the date the petition was filed directly to the creditors. The creditors will retain their liens.

Name of Creditor

Description Of Property

Ameriquet Mortgage

Debtors' Residence: Homestead real property locat

5. **HOME MORTGAGES IN DEFAULT [§ 1322(b)(5)]** - The trustee will cure defaults (plus interest at the rate of 8.00 percent per annum) on claims secured only by a security interest in real property that is the debtor's principal residence as follows. The debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default.

Creditor	Amount of Default	Monthly Payment	Beg. in Month #	No. of Payments	TOTAL PAYMENTS
None	\$ 0.00	\$ 0.00	0	0	\$ 0.00
TOTAL					\$ 0.00

6. **OTHER LONG-TERM SECURED CLAIMS IN DEFAULT [§ 1322(b)(5)]** - The trustee will cure defaults (plus interest at the rate of 8.00 percent per annum) on other claims as follows and the debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default.

Creditor	Amount of Default	Monthly Payment	Beg. in Month #	No. of Payments	TOTAL PAYMENTS
None	\$ 0.00	\$ 0.00	0	0	\$ 0.00
TOTAL					\$ 0.00

7. **OTHER SECURED CLAIMS [§ 1325(a)(5)]** - The trustee will make payments to the following secured creditors having a value as of confirmation equal to the allowed amount of the creditor's secured claim using a discount rate of 8.00 percent. The creditor's allowed secured claim shall be the creditor's allowed claim or the value of the creditor's interest in the debtor's property, whichever is less. The creditors shall retain their liens. NOTE: NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327 AND CONFIRMATION OF THE PLAN WILL BE CONSIDERED A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM UNDER 11 U.S.C. § 506(a).

Creditor	Claim Amount	Secured Claim	Monthly Payment	Beg. in Month #	No. of Payments	TOTAL PAYMENTS
None	\$ 0.00	\$ 0.00	\$ 0.00	0	0	\$ 0.00
TOTAL						\$ 0.00

8. **SEPARATE CLASS OF UNSECURED CREDITORS** - In addition to the class of unsecured creditors specified in ¶ 9, there shall be a separate class of nonpriority unsecured creditors described as follows: (Cosigned debts shall be paid at the contract rate of interest.):

Classification Creditor
Credit Card Purchases Bank One

- a. The debtor estimates that the total claims in this class are \$20,315.79
- b. The trustee will pay this class **in accordance with the claim as filed.**
9. **TIMELY FILED UNSECURED CREDITORS** - The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶¶ 2, 3, 5, 6, 7 and 8 their pro rata share of approximately 1,567.81 [line 1(d) minus lines 2, 3(e), 5(d), 6(d), 7(d) and 8(b)].
- a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 7 are \$
- b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 7 and ¶ 8) are \$ 146,219.97
- c. Total estimated unsecured claims are \$146,219.97 [line 9(a) + line 9(b)].
10. **TARDILY-FILED UNSECURED CREDITORS** - All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 5, 6, 7, 8 or 9 shall be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.
11. **OTHER PROVISIONS** - Debtors shall receive a discharge upon completion of the 36 month plan or when 100% of timely filed unsecured claims are paid, whichever occurs first. Trustee shall not pay any untimely filed unsecured claims. Trustee shall pay Bank One their principal balance plus interest according to the contract rate because
12. **SUMMARY OF PAYMENTS** - Debtor's mother is a co-debtor on this debt.

Trustee's Fee [Line 2]	<u>2,570.40</u>
Priority Claims [Line 3(e)]	<u>\$1,250.00</u>
Home Mortgage Defaults [Line 5(d)]	<u>\$0.00</u>
Long-Term Debt Defaults [Line 6(d)]	<u>\$0.00</u>
Other Secured Claims [Line 7(d)]	<u>\$0.00</u>
Separate Class [Line 8(b)]	<u>\$20,315.79</u>
Unsecured Creditors [Line 9(c)]	<u>\$ 1,567.81</u>
TOTAL [must equal Line 1(d)]	<u>\$25,704.00</u>

Signed: _____

David Joseph Scott, DEBTOR

Wesley W. Scott
Bar no: 0264787
Schmidt & Lund
13 7th Avenue South
St. Cloud, MN 56301

320-252-0330

Signed: _____

Karen Jean Scott, JOINT DEBTOR

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re:

Bkty. Case No.: 04-60910

David Joseph Scott
Karen Jean Scott
Debtor.

NOTICE OF CONFIRMATION HEARING

PLEASE TAKE NOTICE that the Confirmation Hearing on the Chapter 13 Plan is scheduled October 26, 2004 at 10:00 a.m., at the U. S. Bankruptcy Court, 205 PO Building, Courtroom 2, 118 South Mill Street, Fergus Falls, MN 56537.

Dated this 16th day of September, 2004.

SCHMIDT AND LUND



Wesley W. Scott - #0264787
Attorney for Debtor
13 South Seventh Avenue
St. Cloud, MN 56301
(320) 252-0330

AFFIDAVIT OF SERVICE BY MAIL

STATE OF MINNESOTA)

) ss.

COUNTY OF STEARNS)

Michelle Burchett, being first duly sworn upon oath, deposes and states that on the 16th day of September, 2004 she served the attached Notice of Confirmation Hearing and Modified Chapter 13 Plan upon U.S. Trustee, Trustee, and all Creditors by then and there enclosing a true and correct copy thereof in an envelope addressed as follows:

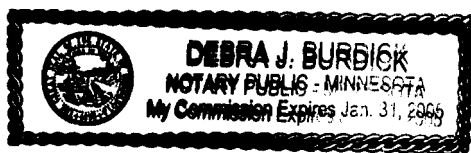
*See attached Service List

and depositing the same at the United States Post Office in St. Cloud, Minnesota 56301.

Michelle Burchett
Michelle Burchett

Subscribed and sworn to before me
this 16th day of September, 2004.

Debra J. Burdick
Notary Public



SERVICE LIST

AMERIQUEST MORTGAGE
PO BOX 11000
SANTA ANA CA 92711-1000

AT&T UNIVERSAL CARD
PO BOX 8109
S HACKENSACK NJ 07606-8109

AT&T UNIVERSAL CARD
PO BOX 8112
S HACKENSACK NJ 07606-8112

AT&T WIRELESS
PO BOX 8220
AURORA IL 60572

BANK ONE
PO BOX 94014
PALATINE IL 60094

BANK ONE CARDMEMBER SERVICES
PO BOX 94014
PALATINE IL 60094

CENTRA CARE CLINIC
1200 SIXTH AVE N
ST CLOUD MN 56303

CHASE PLATINUM VISA
PO BOX 52195
PHOENIX AZ 85072

CITI CARDS
PO BOX 6415
THE LAKES NV 88901-6415

CITI CARDS
PO BOX 6410
THE LAKES NV 88901

CONNIE SCOTT
868 S SUNSET PINES
SPARTA MN 49345

DISCOVER CARD
PO BOX 30395
SALT LK CITY UT 84130

DISCOVER CARD
PO BOX 30395
SALT LAKE CITY UT 84130-0395

FIRST NORTH AMERICAN NATL BANK
PO BOX 100044
KENNESAW GA 30516

GE CAPITAL CONS CARD CO
DEPT 0008
PALATINE IL 60055

GOLDS GYM MEMBER SERVICES
PO BOX 328
SARTELL MN 56377

HOME DEPOT CREDIT SERVICES
PO BOX 6028
THE LAKES NV 88901

HOMFEDERAL
PO BOX 648
SEYMOUR IN 47274

JOEL R DURAY DDS
325 33RD AVE #101
ST CLOUD MN 56303

KOHL'S
PO BOX 2983
MILWAUKEE WI 53201

MILLER AUTO REPAIR
PO BOX 7188
ST CLOUD MN 56302

PROVIDIAN PROCESSING
PO BOX 660548
DALLAS TX 75266

RETAIL SERVICES
PO BOX 5238
CAROL STREAM IL 60167-5238

RETAILERS NATIONAL BANK
PO BOX 59321
MINNEAPOLIS MN 55459-0231

SAM'S CLUB
PO BOX 530993
ATLANTA GA 30353

SEARS CREDIT CARD
PO BOX 182149
COLUMBUS OH 43218

SEARS CREDIT CARD
PO BOX 182149
COLUMBUS OH 43218-2149

ST CLOUD HOSPITAL
1406 6TH AVE N
ST CLOUD MN 56303

ST CLOUD MEDICAL GROUP
4544 CO RD 134
ST CLOUD MN 56303

WELLS FARGO FINANCIAL
PO BOX 98798
LAS VEGAS NV 89193

WFNNB EXPRESS
PO BOX 659728
SAN ANTONIO TX 78265-9728

WFNNB LIMITED
PO BOX 659728
SAN ANTONIO TX 78265

WFNNB POTTERY BARN
PO BOX 659705
SAN ANTONIO TX 78265-9705

U S TRUSTEE
1015 U S COURTHOUSE
300 S FOURTH ST
MINNEAPOLIS MN 55415

MICHAEL J FARRELL
PO BOX 519
BARNESVILLE MN 56514

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: **David Joseph Scott**
Karen Jean Scott

SIGNATURE DECLARATION

Debtor(s).

Case No. 04-60910

- ☐ PETITION, SCHEDULES & STATEMENTS
☐ CHAPTER 13 PLAN
☐ SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION
☐ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
☒ MODIFIED CHAPTER 13 PLAN
☐ OTHER (Please describe: _____)

I [We], the undersigned debtor(s) or authorized representative of the debtor, ***make the following declarations under penalty of perjury:***

- The information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
- The information provided in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case is true and correct;
- **[individual debtors only]** If no Social Security Number is included in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case, it is because I do not have a Social Security Number;
- I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration and the completed "Debtor Information Pages," if applicable; and
- **[corporate and partnership debtors only]** I have been authorized to file this petition on behalf of the debtor.

Date: 9/15/04

X

Signature of Debtor or Authorized Representative

David J. Scott

Printed Name of Debtor or Authorized Representative

X

Signature of Joint Debtor

Karen J. Scott

Printed Name of Joint Debtor